

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER JOSHUA LABRECK,

v.
Plaintiff,
Case Number 11-10155
Honorable David M. Lawson
Magistrate Judge Michael J. Hluchaniuk

U.S. DEPARTMENT OF TREASURY, BONNIE
MULLINS, STEPHEN DANISH, THOMAS W.
MITCHELL, INTERNAL REVENUE SERVICE,
OFFICE OF COMPTROLLER OF CURRENCY,
JOYCE TODD, and KURT RACHAR,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
GRANTING PLAINTIFF'S MOTION TO DISMISS, DENYING DEFENDANTS'
MOTIONS TO DISMISS AS MOOT, AND DISMISSING THE COMPLAINT WITH
RESPECT TO DEFENDANTS BONNIE MULLINS, STEPHEN DANISH, THOMAS W.
MITCHELL, AND THE OFFICE OF THE COMPTROLLER OF CURRENCY ONLY**

Presently before the Court is the report issued on January 5, 2012 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the plaintiff's motion to dismiss, deny the defendants' motions to dismiss, and dismiss defendants Bonnie Mullins, Stephen Danish, Thomas W. Mitchell, and the Office of the Comptroller of the Currency from this case. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*,

474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #66] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion to dismiss [dkt. # 65] is **GRANTED**, defendant Office of the Comptroller of the Currency's motion to dismiss [dkt. #40] is **DENIED AS MOOT**, and defendants Thomas W. Mitchell, Stephen Danish, and Bonnie Mullins's motion to dismiss [dkt. #42] is **DENIED AS MOOT**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED** with respect to defendants Bonnie Mullins, Stephen Danish, Thomas W. Mitchell, and the Office of the Comptroller of the Currency **ONLY**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 25, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 25, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL